

REMARKS

This Amendment and Response is submitted with a Request for Continuing Examination. Applicants request entry of this Amendment and Response and continued examination of the claims. Claims 25, 29, 38-39, and 40-43 are pending.

Claims 25, 29, 38, 40 and 41 are amended. The claims as amended are supported throughout the specification, including at page 11, lines 24-35.

Applicants have added new claim 43. Applicants submit that the new claim is supported throughout the specification, including at pages 24, lines 20-30.

Applicants thank the Examiner for withdrawing the objection to claim 29 and rejections of claims 25 and 29 under 35 USC §112, as well as the 103 rejections in view of Rhind, Cunningham, Glennie, and Wahl.

Petition for Extension of Time

It is noted that a one-month petition for extension of time is necessary to provide for timeliness of the response. A request for such an extension is made extending the time for response from July 20, 2005 to August 20, 2005, which falls on a Saturday, extending the time for response to Monday, August 22, 2005.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 25, 29, and 38-39 under 35 U.S.C. § 112, second paragraph. The Examiner contends that the phrase “disulfide Cys-X-X” renders the claims

indefinite. Applicants have amended the claims to remove "disulfide". Applicants respectfully request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. §102

Claims 25, 38, and 40-41 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Bodmer et al. (WO 89/01974, 3/9/1989). Applicants respectfully traverse.

According to 35 U.S.C. §102 (b), "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner contends that Bodmer et al. teaches F(ab')₂ fragments of monoclonal antibodies that comprise a heavy chain CH1 domain fused to the hinge region, which comprises the amino acid sequence Cys-X-X, wherein the Cys-X-X sequence is Cys-Pro-Pro or Cys-Pro-Arg and, therefore, anticipate the claims. Applicants disagree.

Applicants' claims 25, 29, and 38-39 are directed to a monospecific F(ab')₂, comprising a first and a second Fab' each comprising a CH1 domain fused to a C terminal amino acid sequence of about 1 to 10 amino acid comprising Cys-X-X, wherein one or both Xs are absent or X is Ala, Arg, Pro or Asp, and the cysteine of the first Fab' forms a disulfide bond with the cysteine of the second Fab' to form F(ab')₂. Claims 40-42 are directed to a F(ab')₂, comprising a first and second Fab wherein each Fab' comprises a CH1 region fused to an amino acid sequence consisting of Cys-X-X, wherein one or both Xs are absent or X is Ala, Arg, Asp, or Pro.

The Bodmer et al. reference does not disclose all of the elements of the claims. The Bodmer et al. reference does not disclose an amino acid sequence of about 1 to 10 amino acids

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comprising Cys-X-X, wherein one or both Xs are absent or X is Ala, Arg, Pro, or Asp. Bodmer is directed to using hinge regions that are different in length and/or sequence than that claimed by Applicants. Thus, Applicants submit for at least this reason, Bodmer does not anticipate the claims.

Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

Request for an Interview

Applicants request an interview with the Examiner and his supervisor. Upon receipt of these papers, Applicants request that the Examiner call Applicants' representative to schedule the interview.

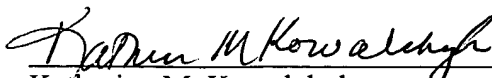
Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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